

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for indicating that claims 2 and 3 contain allowable subject matter.

Disposition of Claims

Claims 1-6 were pending in the present application. Claim 5 has been canceled, and new claim 7 has been added. Claims 1, 2, and 6 are independent. Claim 3 depends from claim 2, while claims 4 and 7 depend from claim 1.

Claim Amendments

Claims 1, 2, 4, and 6 have been amended by way of this reply. Claim 5 has been canceled. Claims 1 and 6 have been amended to more precisely claim the invention. Support for the amendments to claim 1 can be found, for example, in Figs 2 and 9, and support for the amendments to claim 6 can be found, for example, in Figs. 11 and 12. Claim 2 has been rewritten into independent form. Claim 4 has been amended to remove a limitation which was incorporated into claim 1. New claim 7, which has the same limitations as claim 3 but depends from claim 1, has been added. No new matter has been added by way of the amendments.

Allowable Claims

Applicant thanks the Examiner for indicating that claims 2 and 3 contain allowable subject matter. Claim 2 has been rewritten as an independent claim. Claim 3 is dependent from claim 2. Thus, claims 2 and 3 are now in condition for allowance.

Rejections Under 35 U.S.C. § 102

Claim 1 of the present application was rejected under U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,032,960 ("Kato"). Claim 1 has been amended by way of this reply. To the extent that the rejection still applies, the rejection is respectfully traversed.

Amended claim 1 requires, in part, "the focus of the optical component is on a focal point."

Kato discloses a linear light source device with a convergent rod lens provided parallel to an array of super-miniature LED lamps. The convergent rod lens in Kato has a linear focus, and thus does not have a focus on a focal point, as required by the claim.

Amended claim 1 further requires, in part, "the focal point is located on a surface of the one of the plurality of semiconductor light emitting devices that is positioned at the center of the plurality of semiconductor light emitting devices."

The convergent rod lens in Kato, as explained earlier, has a linear focus. Thus, although the lens has a *focal line* that passes through all of the LEDs, it does not have a *focal point* on the center semiconductor light emitting device, as required by the claim.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. The Applicant respectfully asserts that Kato does not teach or suggest a vehicular headlamp as recited in the claims.

Specifically, Kato does not teach or suggest a vehicular headlamp as recited in the preamble of the claims. The Applicant notes that while the limitation "vehicular headlamp"

is only recited in the preamble of the claims, the Examiner must still give the limitation patentable weight. Specifically, the MPEP §2111.02 states that, “any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. *See, e.g., Corning Glass Works v. Sumitomo Elec U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962 (Fed. Cir. 1989).” The present application clearly sets forth that the claimed invention is directed to a vehicular headlamp. Because the preamble provides structure for the claims, which is clearly supported by the specification, the Examiner should appropriately consider vehicular headlamp as a limitation of the claims. Vehicular headlamps are designed to illuminate a certain width of area at a predetermined position away from a light source, and the structure is thus limited.

Thus, claim 1 is patentable over Katoh, at least for the above reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 6 of the present application was rejected under U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,883,333 ("Yanez"). Claim 6 has been amended by way of this reply. To the extent that the rejection still applies, the rejection is respectfully traversed.

Claim 6 requires, in part, “the focus of the reflecting mirror is on a focal point” and that “the focal point is located on a surface one of the plurality of semiconductor light emitting devices that is positioned at the center of the plurality of semiconductor light emitting devices.”

Yanez discloses a solid ellipsoid optical reflector 7 possessing characteristics analogous to a Mangin mirror, having a point source device or a linear device such as a light

emitting diode array or an electrical discharge lamp which is positioned along first focus point (see lines 28-36 of column 4 in Yanez).

Since Yanez fails to explain where the first focus point is, Applicant assumes that by “a light emitting diode array which is positioned along first focus point,” Yanez is disclosing that the linear light emitting diode array is positioned along element 9. This assumption is necessary, since a focus point is by definition a point, and a point cannot specify a direction. Thus, “a light emitting array which is positioned along first focus point” makes no sense, making the above assumption necessary. It should be understood that a light emitting diode array being positioned along element 9 is not the same as the focal point being on a light emitting diode array. Although a focal point of the reflector in Yanez could be on one of the light emitting diodes in the linear light emitting diode array, it is not taught or suggested that the focal point is on the center light emitting element. It should also be emphasized that the focus point cannot be on more than one of the light emitting diodes in Yanez, since as explained earlier, a focus point is by definition a point, and a point can only hold one position in space.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or implicitly. The Applicant respectfully asserts that Yanez does not teach or suggest a vehicular headlamp as recited in the claims.

Specifically, Yanez does not teach or suggest a vehicular headlamp as recited in the preamble of the claims. The Applicant notes that while the limitation “vehicular headlamp” is only recited in the preamble of the claims, the Examiner must still give the limitation patentable weight. Specifically, the MPEP §2111.02 states that, “any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation.

See, e.g., Corning Glass Works v. Sumitomo Elec U.S.A., Inc., 868 F.2d 1251, 1257, 9 USPQ2d 1962 (Fed. Cir. 1989).” The present application clearly sets forth that the claimed invention is directed to a vehicular headlamp. Because the preamble provides structure for the claims, which is clearly supported by the specification, the Examiner should appropriately consider vehicular headlamp as a limitation of the claims. Vehicular headlamps are designed to illuminate a certain width of area at a predetermined position away from a light source, and the structure recited in the claims is thus limited.

Thus, claim 6 is patentable over Yanez, at least for the above reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claim 4 of the present application was rejected under U.S.C. § 103 (a) as being unpatentable over Katoh in view of U.S. Patent No. 6,254,246 (“Tiao”). Claim 1, from which claim 4 depends, has been amended by way of this reply. To the extent that the rejection applies to claim 4, the rejection is respectfully traversed.

Claim 1 as amended requires, in part, “the focus of the optical component is on a focal point, and the focal point is located on a surface of the one of the plurality of semiconductor light emitting devices that is positioned at the center of the plurality of semiconductor light emitting devices.”

As explained earlier, Katoh fails to show or suggest the above limitations. In Tiao, the focal point of the optical component is not on a center semiconductor light emitting

device, as required by the claim. Instead, the focal point of the optical component 740 in Tiao is on an integrator 720.

Further, even assuming *arguendo* that Katoh and Tiao disclose the above limitations as asserted by the Examiner, it would be clear to one skilled in the art that Katoh is non-analogous art. Katoh is directed to a light source device with arrayed light emitting elements, employed as a light source for reading image information in an adhesion type image sensor, an optical image reader, a contraction type image sensor or the like (see lines 8-14 of column 1 in Katoh). It would be clear to one skilled in the art that Katoh does not disclose a light source related to a vehicular headlamp and fails to recognize the problems being solved by the claimed invention. Rather, Katoh discloses a convergent light source for data transmission, whether reading or sensing information. Thus, Katoh is (1) not in the same field of endeavor as the present invention and (2) is not reasonably pertinent to the particular problem with which the present inventor was involved. Accordingly, Katoh is non-analogous art and cannot be properly applied against the present claims.

Additionally, Applicant notes that there is no motivation to combine the cited references. The Examiner cannot combine prior art references to render a claimed invention obvious by merely showing that all the limitations of the claimed invention can be found in the prior art references. There must be a suggestion or motivation to combine the references *within the prior art references themselves*. In other words, regardless of whether prior art references can be combined, there must be an indication within the prior art references *expressing desirability* to combine the references. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990) (emphasis added). Further, the present application *cannot be used as a guide* in reconstructing elements of prior art

references to render the claimed invention obvious. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991) (emphasis added).

One skilled in the art would not be motivated by Katoh, which is completely silent with respect to the focus of the optical component being on a focal *point*, and the focal point being located on a surface of center semiconductor light emitting device, to incorporate the unrelated teachings of Tiao, without using the present application as a guide. Merely because Tiao teaches an optical component having a focus on a focal point, the Examiner cannot arbitrarily place the optical component of Tiao in the light source device of Katoh, without showing some teaching in either Katoh or Tiao that would lead one of ordinary skill in the art to do so. To do so constitutes impermissible hindsight reconstruction of the claimed invention. Ex Parte Clapp, 227 USPQ 972 (PTO Bd App. 1985); In re Horn, 203 USQ 969 (CCPA 1979).

In view of the above, (1) Katoh is non-analogous art, (2) Katoh and Tiao are not properly combinable, and (3) whether taken separately or in combination, Katoh and Matsumoto fail to show or suggest the present invention as recited in claim 1. Thus, claim 1 is patentable over Katoh and Tiao, whether considered separately or in combination, at least for the above reasons. Claim 4 is dependent from claim 1. Thus, claim 4 is patentable over Katoh and Tiao, at least for the same reasons as claim 1. Accordingly, withdrawal of this rejection is respectfully requested.


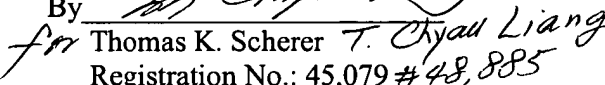
Claim 5 of the present application was rejected under U.S.C. § 103 (a) as being unpatentable over Katoh and Tiao in view of U.S. Patent No. 5,397,885 ("Massieu"). Claim 5 has been canceled. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account No. 50-0591, under Order No. 02008/147001 from which the undersigned is authorized to draw.

Dated: May 1, 2006

Respectfully submitted,

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